

APPENDIX TO CHATHAM COUNTY APPLICATION

This document is attached as an appendix to the application (Application) being submitted by Charah, Inc. for the permitting, construction and operation of a facility in Chatham County (Facility) to receive coal combustion products (CCP) from one or more electric generating facilities operated by Duke Energy Progress, Inc. and Duke Energy Carolinas, LLC. For clarity, the applicant will only receive ash from Duke's North Carolina facilities. The purpose of this Appendix is to describe the goals and philosophy reflected in the Application, which is intended to comply with all applicable environmental standards, including both (1) Session Law 2014-122, which enacted the Coal Ash Management Act of 2014 as a part of its terms (collectively, CAMA); and (2) the rules regarding Hazardous and Solid Waste Management system: Disposal of Coal Combustion Residuals from Electric Utilities, promulgated by the United States Environmental Protection Agency (EPA) submitted for publication on December 19, 2014 (CCR Rules).

The Application is being submitted to the Division of Waste Management (DWM) of the North Carolina Department of Environment and Natural Resources to secure an individual permit (Permit) under G.S. § 130A-309.215 that would authorize the use of CCP as structural fill at the Facility to reclaim an open pit mine in accordance with G.S. § 130A-309.201(14). As such, the Application contains the information required under G.S. § 130A-309.215(b), which reflects the following:

- the design, construction and operational requirements in G.S. § 130A-309.216(a);
- the liner, leachate collection system, cap and groundwater monitoring system requirements in G.S. § 130A-309.216(b);
- the siting requirements under G.S. § 130A-309.216(c), and

- the financial assurance requirements of G.S. § 130A-309.217.

The Application also reflects, to the extent necessary or appropriate, efforts that will be required to comply with the remaining terms of Subpart 3 of CAMA and other applicable provisions of Chapter 130 of the North Carolina General Statutes and Title 15A of the North Carolina Administrative Code (NC Requirements).

While the Facility as proposed in the Application would meet the four (4) criteria applicable to unencapsulated beneficial use of the CCP, and the proposed use of the CCP as mine filling as a practical matter constitutes a beneficial use of the material, the Applicant will take the conservative approach of seeking compliance with the requirements of the applicable CCR Rules. While the Application requests a state permit from DWM under the NC Requirements, the Applicant is also voluntarily designing, siting, constructing, and operating the Facility in accordance with the CCR Rules including:

- location restrictions, including placement above the uppermost aquifer (40 CFR § 257.60), wetlands (40 CFR § 257.61), fault areas (40 CFR § 257.62), seismic impact zones (40 CFR § 257.63), and unstable areas (40 CFR § 257.64);
- design criteria (40 CFR § 257.70);
- operating criteria, including air criteria (40 CFR § 257.80), run-on and run-off controls (40 CFR § 257.81), inspection requirements (40 CFR § 257.84), groundwater monitoring and potential groundwater corrective actions (40 CFR §§ 257.90-257.98 and Appendices III and IV), and closure and post-closure care (40 CFR §§ 257.101-257.104); and
- recordkeeping (40 CFR § 257.105), notification (40 CFR § 257.106), and internet posting requirements (40 CFR § 257.107).

It is presumed that any Permit that DWM issues for the Facility based on the Application will be consistent with this approach and design philosophy.